

SPOKANE MUNICIPAL COURT
LOCAL RULES

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SPMGR 7
LOCAL RULES - FILING AND EFFECTIVE DATE

(g) Reference. The provisions of the Local Rules are supplemental to the Rules for Courts of Limited Jurisdiction, as adopted or hereafter amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them and are submitted pursuant to GR 7(e) with an intent to adopt as changed. These rules may be known and cited as Spokane Municipal Court Local Rules, and shall be referred to as "SPM" along with the corresponding rule abbreviation.

(h) Prior Rules Repealed. These rules supersede and replace any prior rules.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMGR 14
FORMAT FOR PLEADINGS AND OTHER PAPERS

(a)(i) All pleadings, motions and other papers filed with the court, except original citations, should be legibly written or printed on 8-1/2 by 11 inch paper. The top margin should be at least one inch except as otherwise approved by the court on certain forms.

(ii) Colored pages are allowed for certain court-approved forms.

(iii) All papers filed with the court should be two-hole punched with holes 2 3/4 inches apart centered approximately 1/2 inch from the top edge of the paper.

(Adopted effective Sept. 1, 2011.)

SPMGR 29
PRESIDING JUDGE

(c) (Reserved)

(f) Duties and Authority of Presiding Judge.

(f)(5)(a) Personnel Assigned to Perform Court Functions

(i) Court Commissioners - Selection. Upon a vacancy for Court Commissioner, the Court may advertise the vacancy and accept applications.

The majority of the Judges shall decide which candidates to interview, and conduct interviews. Any Judge of this Court may attend, participate and vote during the selection process. The selection shall be by majority vote of the Judges present at a regularly scheduled Judges' meeting or a meeting called by the Presiding Judge for this purpose.

(ii) Court Commissioners - Termination. A Court Commissioner shall serve at the pleasure of the Judges and any decision to terminate shall be by a majority vote of Judges at a Judges' meeting.

(f) (5) (c) Court Administrator

(i) Selection. Upon a vacancy, the Judges shall take the necessary step to obtain qualified applicants. The Judges shall screen the written applications, and conduct interviews. Any Judge may attend, participate, and vote. Selection of the Court Administrator shall be by majority vote of Judges present at a regularly scheduled Judges' meeting.

(ii) Termination. The Court Administrator shall serve at the pleasure of the Judges and shall be terminated by a majority vote of judges at a regularly scheduled Judges' meeting.

(iii) Duties of Court Administrator. The Court Administrator shall assist the Presiding Judge in his or her administrative responsibilities. Subject to the general supervision of the Presiding Judge, the Administrator's duties shall include but not be limited to those duties set forth in the job description for the Court Administrator.

(f) (14) Paralegals who are currently registered with the Spokane County Bar Association for the purpose of presentation of such orders may personally present agreed, ex-parte and uncontested orders signed by counsel, based solely upon the documents presented and the record in the file. Said privilege may be revoked or limited by the Court for noncompliance with this rule, or other misconduct, regardless of whether the Paralegal is permitted to present orders before other Courts.

(h) Oversight of Judicial Officers.

(1) The Presiding Judge shall maintain a record of absences by each judicial officer. All Judicial Officers must advise the Presiding Judge if they will not be on campus for the day and whether the reason is work-related or not. This information will be made available to the public by request at the end of each calendar year, provided that information about an on-going leave will not be made available until after the leave has ended.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMGR 30
Electronic Filing

(A) (1) (a) Judicial Signatures: Judicial officers may sign orders with a digital signature, as defined in GR 30. In addition, documents may be signed by judicial officers using an electronic form that contains an electronic copy of the judicial officer's signature so long as the form is saved only on a directory that is accessible only by the judicial officers and so long as the electronic signature is protected so that it cannot be electronically copied. The printed version of these documents shall constitute an original order and shall be placed in the court file. This rule may be amended or supplemented during the year by general order.

(B) (5) Notices of Appearance may be filed electronically by attaching a Notice in Word or .pdf format to an email addressed to eramcnoa@spokanecity.org.

(D) (2) (D) (iii) Any document initiated by a law enforcement officer is presumed to have been signed when the officer uses his or her user ID and password to electronically submit the document to a court or prosecutor through the Statewide Electronic Collision & Traffic Online Records application, the Justice Information Network Data Exchange, or the local secured system "Xpediter" used by the County of Spokane and City of Spokane. Unless otherwise specified, the signature shall be presumed to have been made under penalty of perjury under the laws of the State of Washington and on the date and at the place set forth in the citation.

(Adopted Sept. 1, 2011; amended effective June 23, 2011.)

SPMCR 1
SCOPE OF RULES

The Spokane Municipal Court has adopted this Local Rule to allow it to exercise jurisdiction granted in ch. 84, §4 Laws of Wash. 2013 (ESHB 1383.SL, eff. 7/28/13) to hear civil petitions for stalking anti-harassment protection orders and stalking anti-harassment no contact orders as set forth in that law. Upon exercising such jurisdiction, it will transfer to Superior Court any petition when it is shown that (a) the petitioner, victim, or respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's

care, control, or custody of the respondent's minor child.

(Adopted effective Sept. 1, 2013)

SPMCrRLJ 3.1
ASSIGNMENT OF COUNSEL

(d) Assignment of Lawyer.

(1)(a) A determination of financial eligibility is valid for 180 days so long as the Defendant's financial circumstances are not materially changed.

(e) Withdrawal of Public Defender. Unless a Notice of Appeal has been filed, an attorney appointed at public expense shall be deemed automatically withdrawn from representation immediately upon the filing of an order dismissing the case, or sixty days following a final decision of the court as defined in the RALJ without having to file any document with the court. A "final decision" includes an order of dismissal, a judgment and sentence, a deferred prosecution, a Stipulated Order of Continuance, or any other similar disposition.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMCrRLJ 3.2
RELEASE OF ACCUSED

(k) Reserved

(o) Bail in Criminal Offense Cases - Mandatory Appearance.

(1) A bail schedule for persons arrested on probable cause, except such schedule as is mandated by CrRLJ 3.2(o), may be established by a majority vote of the Judges. The Schedule may be revised from time to time in the interests of justice and available in the Clerk's office. The bail schedule shall be a General Order and not part of the Local Rules. A copy of the General Order setting forth the bail schedule shall be furnished to the jail.

(2) Any person arrested by a Law Enforcement Officer on Probable Cause (without an arrest warrant) for the below listed offenses shall be held in jail pending the Defendant's First Appearance in the absence of a judicial order:

(a) An offense classified as Domestic Violence under Chapter 10.99 of the Revised Code of Washington or an equivalent local ordinance.

(b) An offense classified as Harassment and/or Stalking under Chapters 10.14 and/or 9A.46 of the Revised Code of Washington or an equivalent local ordinance.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMCrRLJ 3.3
TIME FOR TRIAL

(f) Continuances.

Form and Procedure. A continuance in a criminal matter shall be requested on a Case Scheduling Order, stating the reason necessitating the continuance request.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMCrRLJ 3.4
PRESENCE OF THE DEFENDANT

(a) When Necessary.

(1) Pre-trial Hearings. The assigned Judge will determine if a Pre-trial hearing shall be scheduled after the arraignment. The defendant shall be required to attend the Pre-trial hearing unless excused by the Court. Failure to attend may result in issuance of a bench warrant and/or forfeiture of any bond.

(2) Counter-Appearance. A defendant who receives a Jail Release Appearance form that does not include a hearing date must appear at the

Court Appearance Counter within the time provided in the notice to obtain a hearing date. A defendant wishing to be represented by the Public Defender, and who has not been screened in the last six months, will be screened for eligibility.

(d) Video Conference Proceedings.

(2) (i) Agreement. The trial court judge may approve other trial court proceedings, including the entry of a Statement of Defendant on Plea of Guilty as provided by CrRLJ 4.2, upon agreement of the parties, either in writing or on the record.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMCrRLJ 4.1
ARRAIGNMENT

(g) Appearance by Defendant's Lawyer.

Attorneys retained by defendants, or public defenders who have assumed representation of defendants must promptly serve written notice of their appearance upon the prosecuting attorney, and file the same with the Clerk. The notice of appearance shall be contained in a separate document.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMCrRLJ 4.2
PROCEDURE UPON A PLEA OF GUILTY

(g) Written Statement. Guilty plea forms are available on the Washington State Court website <http://www.courts.wa.gov/forms>.

(i) Deferred Prosecution

- a. A Petition for Deferred Prosecution shall be filed at the time a defendant moves the court to grant a deferred prosecution under RCW Chapter 10.05. The petition shall be substantially in the form provided on the Washington State Court website (<http://www.courts.wa.gov/forms>).
- b. The written assessment prepared by an approved treatment facility shall be accompanied by a recommendation from Municipal Probation, or such other Court Designee authorized under Chapter 10.05 of the Revised Code of Washington.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMCrRLJ 4.7
DISCOVERY

(e) Discretionary Disclosures.

(3) Any motion for items and information not covered by Section (a) and (d) of CrRLJ 4.7 shall be accompanied by an affidavit setting forth in detail the reasons the requested items and information are material and significant enough to amount to a denial of the right to a fair trial, if not ordered discoverable, so that the Court may have a basis for its ruling.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMCrRLJ 8.2
MOTIONS

(a) Calendar Settings.

All motions shall be initiated and scheduled by filing a court-approved "Motion" form with the court clerk.

(b) Dispositive Motions and Motions to Suppress Evidence.

Dispositive Motions and Motions to Suppress shall be filed and served at least three (3) weeks prior to the hearing and heard not later than one (1) week before the case is set for trial. The responding party shall file and serve any responding brief or memoranda one (1) week prior to Motion Hearing. Provided, however, that the Court may waive this requirement if due diligence has been shown or justice otherwise requires. It is the duty of the moving party to

notify the assigned Judge by noon of the day prior to the motion day if oral testimony is required and estimated length of time required for the Motion. This rule does not authorize oral testimony when the facts can be adequately presented by affidavit and other documentary evidence.

(c) Agreed Orders - Criminal Cases.

Agreed Orders may be presented ex parte for approval or denial by any Judge or Commissioner. Submitted orders that are denied must be noted on the Order and initialed by the judicial officer making that decision.

(d) Copies of Motions, Memoranda and Affidavits.

A copy of the motion, brief, memorandum, documents and affidavits shall be furnished to the Judge after the originals have been filed. Responding briefs, memoranda, and other documents shall also be filed with the Clerk, and copies furnished to the assigned Judge. Working copies may be delivered to the Judicial Secretary by hard copy or email in Microsoft Word or Adobe Acrobat format. Working copies must contain a notation in the caption with the date of the motion and the notation "Working Copy." Failure to comply with this requirement may result in a continuance and imposition of terms.

(e) Motion Hearing Procedure.

Oral argument on motions shall be limited to ten (10) minutes for each side unless the Judge determines otherwise, in which case the motion may be placed at the end of the calendar.

(f) Reconsideration of Motions.

A motion for reconsideration shall be clearly labeled. Motions for Reconsideration may not simply re-argue the original motion, but must allege a change in law or circumstances that would materially affect the court's prior decision on the motion and may be summarily denied. A response to a motion for reconsideration may be filed, but is not required unless requested by the court. The request will set a time when the response is due, and may limit the response to particular issues or points raised by the motion.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMCrRLJ 8.4
SERVICE, FILING AND SIGNING OF PAPERS

(c) Filing with the Court.

(1) All pleadings must contain the case number(s) noted above the document title. Pleadings that do not include the correct case number may be refused by the Clerk or returned by the Court.

(Adopted effective Sept. 1, 2011.)

SPMIRLJ 2.2
INITIATION OF INFRACTION CASES

(d) Filing of Notice.

(1) Whenever a Notice of Infraction has been issued and not filed with the Court within 5 days of issuance, the Clerk or his/her designee may note the citation "Dismissed without prejudice per SPMIRLJ 2.2," and take no further action.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMIRLJ 2.4
RESPONSE TO NOTICE

(b) Alternatives.

(4) The procedure authorized in IRLJ 2.4 (b) (4) is adopted by this Court.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMIRLJ 2.6
SCHEDULING OF HEARINGS

(a) Contested Hearings.

(1)(i) The procedure authorized in IRLJ 2.6 (a)(1)(i) for scheduling of a prehearing conference is adopted by this Court.

(Adopted Jan. 27, 2012.)

SPMIRLJ 3.4
HEARING ON MITIGATING CIRCUMSTANCES

(c) Disposition.

(1) Written Request for Penalty Reduction. A defendant requesting a reduction of the Infraction penalty may have such determination based on his or her prior driving record without an explanation of the event cited. The amount of the reduction shall be set by the Court in a written Order maintained in the Clerk's Office and available upon request.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMIRLJ 3.5
DECISION ON WRITTEN STATEMENTS

The Spokane Municipal Court has adopted a local option as set forth in IRLJ 3.5 for those electing to submit their case for decision on written statement in lieu of contesting or mitigating at a hearing on the record.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2012.)

SPMIRLJ 6.8
MOTION PRACTICE

All motion settings shall be served on the Prosecuting Attorney for the City five (5) days prior to the date set on the Motion and Order Form. The Municipal Court Clerk's Office shall furnish dates each week for the hearing of motions on contested infractions. It will be at the discretion of the Judge or Commissioner, after ruling on the motion, whether the infraction can then proceed to contested hearing immediately, or be reset on a contested docket. Failure to comply with the above procedure may result in the Court striking the motion.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)
